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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,313	04/08/2004	Jeff Steven Edgett	4663P017	9716
21186	7590	06/21/2006		EXAMINER
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				CHAI, LONGBIT
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/821,313	EDGETT ET AL.
	Examiner	Art Unit
	Longbit Chai	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/20/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Original application contained claims 1 – 36. Claim 36 has been canceled; claims 1, 4, 13, 16, 17, 21, 24, 28, 30 and 32 – 35 have been amended; in an amendment filed on 5/22/2006. The amendment filed have been entered and made of record. Presently, pending claims are 1 – 35.

Response to Arguments

2. Applicant's arguments with respect to instant claims have been fully considered but are moot in view of the new ground(s) of rejection.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 16, 30, 32 and 34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 and 2 of co-

pending application 10/117,868. Although the conflicting claims are not identical, they are not patentably distinct from each other because Claims 1, 16, 30, 32 and 34 of the instant application are envisioned by the claims of copending application that contain all the limitations of claims of the instant application and as such are unpatentable for obvious-type double patenting. Therefore, Claims 1, 16, 30, 32 and 34 of the instant application therefore are not patentably distinct from the earlier copending application claim and as such are unpatentable for obvious-type double patenting.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, 6, 9, 13, 14, 16 – 18, 21, 24, 28, 30, 32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Grootwassink (U.S. Patent 7,031,705).

As per claim 1, 16, 30, 32 and 34, Grootwassink teaches a method comprising:
performing, in a service access provider, operations including:
receiving an access request from a client access device, the access request requesting access to a network, wherein a user associated with the client access

device is a subscriber of a second service access provider (Grootwassink: Column 2 Line 47 – 67; the visited service area is associated with the first service access provider and the HLR is associated with a second service access provider);

establishing a communications link with the client access device to authenticate and authorize the user (Grootwassink: Column 2 Line 47 – 67);

receiving client device configuration data from the client access device over the communications link during an authentication and authorization exchange

(Grootwassink: Column 5 Line 6 – 10);

transmitting the client device configuration data destined for the second service access provider, wherein the second service access provider is operable to process the client device configuration data (Grootwassink: Column 2 Line 47 – 67); and

selectively granting the client access device access to the network based upon the client device configuration data (Grootwassink: Column 2 Line 63 – 67); and

receiving an indication about whether the client access device is granted access to the network, the indication originating from the second service access provider (Grootwassink: Column 2 Line 63 – 67).

As per claim 2 and 17, Grootwassink teaches processing the client device configuration data includes determining if the client device configuration data meets predetermined security requirements (Grootwassink: Column 2 Line 63 – 67).

As per claim 3 and 18, Grootwassink teaches determining if the client device configuration data meets predetermined security requirements includes comparing the client device configuration data with reference configuration data (Grootwassink: Column 2 Line 63 – 67).

As per claim 6 and 21, Grootwassink teaches the establishing of the communications link with the client access device includes, communicating an agent to the client access device, the agent operable to identify the client device configuration data and to communicate the client device configuration data to a server of the network (Grootwassink: Column 5 Line 6 – 10 and Column 2 Line 47 – 67).

As per claim 9 and 24, Grootwassink teaches the establishing of the communications link with the client access device includes communicating a command set, which includes at least one command, to the client access device, the command set operable to identify the client device configuration data and to communicate the client device configuration data to a server of the network (Grootwassink: Column 5 Line 6 – 10 and Column 2 Line 47 – 67).

As per claim 13 and 28, Grootwassink teaches after establishing communications with the client access device, authenticating a user associated with the client access device (Grootwassink: Column 5 Line 6 – 10 and Column 2 Line 47 – 67).

As per claim 14, Grootwassink teaches authenticating the user includes verifying user login information associated with the user attempting access to the network (Grootwassink: Column 2 Line 20 – 25 and Column 5 Line 6 – 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 7, 8, 10 – 12, 15, 19, 20, 22, 23, 25 – 27, 29, 31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grootwassink (U.S. Patent 7,031,705), in view of Albert et al. (U.S. Patent 2003/0177389).

As per claim 4 and 19, Grootwassink does not disclose expressly the second service access provider is further operable to update the client device configuration data if the client device configuration data fails to meet the predetermined security requirements.

Albert teaches the second service access provider is further operable to update the client device configuration data if the client device configuration data fails to meet

the predetermined security requirements (Albert: Para [0025], [0066], [0072] and [0085] – [0098] & Figure 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Albert within the system of Grootwassink because Albert teaches providing enhanced authenticating method using the security enforcement module that applies access security policy for regulating access at the computing device (Albert: Para [0024]).

As per claim 5 and 20, Grootwassink as modified teaches selectively granting the client access device access to the network includes, denying access to the network if the client device configuration data is not updated (Albert: Para [0025], [0066], [0072] and [0085] – [0098] & Figure 3).

As per claim 7 and 22, Grootwassink does not disclose expressly if after the processing of the client device configuration data the client device configuration data requires an update, using the agent to update the client access device with updated configuration data.

Albert teaches if after the processing of the client device configuration data the client device configuration data requires an update, using the agent to update the client access device with updated configuration data (Albert: Para [0025], [0072], [0066] and [0085] – [0098] & Figure 3).

Same rationale of combination applies herein as above in rejecting the claim 2.

As per claim 8 and 23, Grootwassink as modified teaches after updating the client access device, receiving an update result indicator from the agent to confirm that the configuration of the client access device has been updated (Albert: Para [0072]).

As per claim 10 and 25, Grootwassink does not disclose expressly if after the processing of the client device configuration data the client device configuration data requires an update, using the command set to update the client access device with updated configuration data.

Albert teaches if after the processing of the client device configuration data the client device configuration data requires an update, using the command set to update the client access device with updated configuration data (Albert: Para [0066] and [0085] – [0098] & Figure 3).

Same rationale of combination applies herein as above in rejecting the claim 2.

As per claim 11 and 27, Grootwassink as modified teaches the command set further includes a first command set to identify and communicate the client device configuration data to the server, and a second command set to update the client access device with the updated configuration data (Albert: Para [0066] and [0085] – [0098] & Figure 3).

As per claim 12 and 26, Grootwassink as modified teaches after updating the client access device, receiving an update result indicator from the client access device to confirm that the configuration of the client access device has been updated (Albert: Para [0066] and [0085] – [0098] & Figure 3).

As per claim 15, 29 and 31, Grootwassink does not disclose expressly the client device configuration data includes at least one of virus definition data, firewall configuration data, and operating system configuration data.

Albert teaches the client device configuration data includes at least one of virus definition data, firewall configuration data, and operating system configuration data (Albert: Para [0090])

Same rationale of combination applies herein as above in rejecting the claim 2.

As per claim 33 and 35, Grootwassink does not disclose expressly prior to receiving a verification response, updated configuration data is received from the network access system to replace the client device configuration data.

Albert teaches prior to receiving a verification response, updated configuration data is received from the network access system to replace the client device configuration data (Albert: Para [0097] and [0098]).

Same rationale of combination applies herein as above in rejecting the claim 2.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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